



Image

1632

Attorney Docket No.: 5951.010-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harris et al.

Serial No.: 09/615,571

Group Art Unit: 1632

Filed: July 13, 2000

Examiner: S.D. Priebe

For: Polypeptides Having Phospholipase B Activity And Nucleic Acids Encoding Same

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

**Mail stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450**

Sir:

I hereby certify that the attached correspondence comprising:

1. Copy of response to submit new amendment
2. Amendment

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

**Mail stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450**

on September 30, 2003.

Seleste A. Buriani
(name of person mailing paper)

Seleste A. Buriani
(signature of person mailing paper)



Attorney Docket No. 5951.010-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harris *et al.*

Confirmation No. 4949

Serial No.: 09/615,571

Group Art Unit: 1632

Filed: July 13, 2000

Examiner: S.D. Priebe

For: Polypeptides Having Phospholipase B Activity And Nucleic Acids Encoding Same

AMENDMENT

Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Communication dated September 23, 2003, please amend the above-captioned application as follows:

IN THE CLAIMS

Claims 101, 108, 113, 118 have been cancelled. Claims 100, 102, 109, 114, 117, and 119 have been amended. The following is the status of the claims of the above-captioned application, as amended.

1-99 (Cancelled)

100. (Currently Amended) An isolated nucleic acid sequence encoding a polypeptide having phospholipase B activity, selected from the group consisting of:

- (a) a nucleic acid sequence encoding a polypeptide having an amino acid sequence which has at least ~~80%~~ 90% identity with amino acids 20 to 464 of SEQ ID NO:2;
- (b) a nucleic acid sequence having at least ~~80%~~ 90% homology with nucleotides 568 to 2045 of SEQ ID NO:1;
- (c) a nucleic acid sequence which hybridizes under medium-high stringency conditions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov



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Paper No.

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 8-28-03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: Claims 1-99 not mentioned and remarks should be on separate page from claims.

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

[Signed by Team Leader]

Team Leader

[Signature]

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprac.pdf>